

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S RECORD
VOLUME 1 OF 1
CAUSE NO. 2020-52383
COURT OF APPEALS NO. 14-20-00627-FILED IN
14th COURT OF APPEALS
HOUSTON, TEXAS
9/14/2020 9:09:53 PM
THE STATE OF TEXAS) IN THE DISTRICT COURT OF
)
) CHRISTOPHER A. PRINE
VS.) Clerk
) HARRIS COUNTY, TEXAS
)
CHRIS HOLLINS, in his)
official capacity as)
Harris County Clerk) 127TH JUDICIAL DISTRICT

TEMPORARY INJUNCTION HEARING

VOLUME 1 OF 1

SEPTEMBER 9, 2020

On the 9th day of September, 2020, the following
proceedings came on to be held in the above-titled and
numbered cause before the Honorable R. K. Sandill, Judge
presiding, held in Houston, Harris County, Texas.

Proceedings reported by Certified Shorthand
Reporter and Machine Shorthand/Computer-Aided
Transcription.

A P P E A R A N C E S

FOR THE PLAINTIFF:

Mr. Charles K. Eldred SBOT 00793681
Ms. Kathleen T. Hunker SBOT 24118415
ATTORNEY GENERAL OF TEXAS
P.O. Box 12548
Austin, Texas 78711

FOR THE DEFENDANTS:

Ms. Susan Hays - SBOT 24002249
LAW OFFICE OF SUSAN HAYS, PC
P.O. Box 41647
Austin, Texas 78704
Tel: (214) 557-4819
Fax: (214) 432-8273
E-mail: Hayslaw@me.com

Mr. Cameron Hatzel - SBOT 24074373
1019 Congress Street, Floor 15
Houston, Texas 77002

1	<u>C H R O N O L O G I C A L I N D E X</u>				
2	September 9, 2020			PAGE	VOL.
3	Appearances			2	2
4	Chronological Index			3	2
5	Exhibit Index			4	2
6	All Exhibits Offered and Admitted			25, 26	2
7	Opening Statement by Mr. Eldred			28	2
8	Opening Statement by Ms. Hays			94	2
9					
10	WITNESSES	DIRECT	CROSS	VOIR DIRE	VOL.
11	INGRAM, ROBERT				
12	By Mr. Eldred	48			2
12	By Mr. Hatzel		74		2
13	HOLLINS, CHRIS				
14	By Mr. Hatzel	114, 140			2
14	By Mr. Eldred		170		2
15	Closing Statement by Mr. Eldred			188	2
16	Closing Statement by Ms. Hays			183	2
17	Reporter's Certificate			194	2
18					
19					
20					
21					
22					
23					
24					
25					

1 obligates the necessity.

2 Q. Okay. A few other things, Judge. Is it true
3 that vote by mail applications are public information
4 after the election?

5 A. That is correct. 86.01 forces that an
6 application for a ballot by mail is an open record after
7 the first election that it's used for.

8 Q. And, of course, they'll be redacting personal
9 information that if someone asks for -- if I apply to
10 vote by mail and someone asks for it, will my personal
11 information be redacted before someone gives it to me?

12 A. Well, confidential information will be redacted
13 which usually on an application for ballot by mail is
14 just the date of birth.

15 Q. Okay. So the point being that if I -- if I
16 fraudulently fill out an application form and I mail it
17 in and I get a ballot and I vote, it's possible I could
18 get caught; would you agree?

19 A. Absolutely.

20 Q. And, in fact, I think you mentioned this
21 already, the Secretary of State's Office has gotten some
22 referrals for that very thing; isn't that true?

23 A. That's correct.

24 Q. Let me change gears here.

25 What is your opinion of the Harris County

1 Clerk's efforts in ensuring in-person voting for this
2 election?

3 A. I have been very, very pleased with all of
4 Texas counties and their creativity and their
5 innovations in coming up with ways to -- for voters to
6 vote safely in person. And what I've been reading about
7 from Harris County's plans for this November's election
8 go above and beyond.

9 Q. Isn't it true that Harris County plans to have
10 a drive-thru voting procedure?

11 A. I believe so. I think they might have one or
12 -- more than one but I don't know for sure. You would
13 have to ask Mr. Hollins.

14 Q. Okay. Have people complained to the Secretary
15 of State's Office about the drive-thru procedure?

16 A. Not yet.

17 Q. Okay. I'll move on.

18 A. They probably will.

19 Q. Well, if someone did complain about the
20 drive-thru procedure would you -- do you have any
21 opinion about if that's allowed into the law or not?

22 A. You know, it's -- it's a creative approach that
23 is probably okay legally. You know, the requirement is
24 that polling places be located in a building so what
25 we've told counties who want to try this is that they

1 need to have the location associated with a physical
2 building and that they need to take whoever shows up at
3 that location, whether they're walking, riding a bicycle
4 or driving a car, they need to be able to provide all of
5 those folks with an opportunity to vote.

6 Q. Okay. And to your knowledge is there any
7 particular reason to justify -- let me try that again.

8 Is there going to be -- are there going to
9 be problems with in-person voting that would justify a
10 need to send vote by mail applications to everybody as
11 far as you know?

12 A. I'm convinced that the counties have got a plan
13 for safe in-person voting. So voters who qualify to
14 vote by mail and want to vote by mail then they should.
15 And voters who want to vote in person, we would
16 encourage them to do so. It'll be safe for them to do
17 it and the counties will have a good experience for
18 those voters.

19 I would, if I have the opportunity,
20 encourage voters to vote during early voting and to vote
21 in the middle of the week during early voting to have
22 the most contact-free experience. The best opportunity
23 to vote quickly and not encounter a great number of
24 other folks.

25 Q. And just to be sure you're talking about

1 voters and many of whom are not -- sorry, some of who
2 may not be qualified to vote by mail would return those
3 at a much lower rate.

4 THE COURT: Or, I mean, who may never check
5 their mail, right? I mean, I'm just -- you know --

6 MR. HOLLINS: Yeah, exactly. Who might not
7 ever see it, might toss it when it gets there.

8 THE COURT: And that was anecdotal for my
9 life so I apologize for bringing that in.

10 Okay. Let's do this -- Mr. Hatzel, how
11 much more do you have for Mr. Hollins?

12 MR. HATZEL: I'm ready for a break but not
13 much more, ten minutes maybe.

14 THE COURT: Do you want to take your break
15 now or do you want to do your ten minutes and then
16 break?

17 MR. HATZEL: I'd prefer to take a break.

18 THE COURT: You seem like you needed a
19 break. Let's go ahead and -- it's 2:55, let's come back
20 at 310.

21 MR. HATZEL: Thank you.

22 (Break taken.)

23 THE COURT: All right, great. Mr. Hatzel?

24 Q. BY MR. HATZEL: Yes.

25 Mr. Hollins, as the Early Election Clerk of

1 Harris County the Election Code gives you the authority
2 to conduct and manage early voting. How does sending
3 applications to vote by mail fit into that statutory
4 scheme?

5 A. I mean, I think it fits directly into my
6 authority to conduct and manage early voting. And so as
7 the Early Voting Clerk, I manage both in-person voting
8 and vote by mail voting. And with that administration,
9 you know, I sort of look at that broadly and I also look
10 at them not necessarily independently but as connected
11 to one another. And so this goes from everything --
12 it's really broad. It goes from choosing the number of
13 locations that we have, choosing where those locations
14 are, choosing how many machines we're going to deploy
15 across the entire county and choosing exactly how many
16 machines each specific location will have, choosing how
17 many number of you know staff, judges and clerks that
18 each location would have, educating voters, you know,
19 ensuring that voter haves access to the franchise, both,
20 you know, in person -- providing that information,
21 making sure the locations are near to them. In this
22 scenario, making sure that the locations are as safe as
23 they can be, providing new and innovated ways to vote
24 like drive-thru voting, like extended voting hours which
25 we're going to have until 10:00 p.m. on multiple days

1 and we're going to have 24-hour voting on one day to
2 ensure that shift workers and first responders and folks
3 with different family and work obligations have that
4 opportunity to cast their votes.

5 And so sending applications to vote by mail
6 along with, you know, information about who qualifies to
7 vote by mail and who does not to educate the voters of
8 course is squarely within my -- my duty and my
9 responsibility and my authority to conduct and manage
10 the election.

11 Q. And speaking also on the point about the health
12 and safety of voting -- of voting by mail for certain --
13 certain voters, I wanted to -- well, first of all, the
14 application -- the application to vote by mail, that
15 mailer includes a link to your website *Harrisvotes/cdc*,
16 does it not?

17 A. It does. It's says -- yes, it says to read
18 guidance from the Center for Disease Control and
19 Prevention on which medical conditions could put people
20 at increased risk of severe illness from Covid 19 please
21 visit *Harrisvotes.com/cdc*.

22 Q. And what I would like to do is I'll share with
23 you our Defendant's Exhibit Number 2, and this is a copy
24 of that website that you are directed to when you go to
25 *Harrisvotes.com/cdc*. And the title of this website as

1 have a prosecutorial discretion in this matter and your
2 office does. So, I mean, I don't get to make those
3 decisions but you're -- what I'm looking at is -- I've
4 got two exhibits in front of me that are part of today's
5 record. One is the Texas Secretary of State that
6 basically says, lays out the four issues and then you've
7 got this that says, hey, this is the definition by the
8 Texas Supreme Court, go figure it out for yourself.

9 MS. HUNKER: The county is more than
10 welcome to put the front half of that sheet of paper in
11 everyone's mailbox in Harris County. It is only the
12 inclusion of that application that the State objects to.

13 THE COURT: Okay.

14 MS. HUNKER: The information that's
15 educational we, in fact, encourage the county to
16 provide.

17 THE COURT: No, I understand that. I mean,
18 I understand for anyone that's under the age of 65 y'all
19 have an objection.

20 Mr. Eldred?

21 Q. BY MR. ELDRED: Let's wrap it up a high note.
22 Maybe give you a chance to brag about how great and how
23 safe your in-person voting is. Is in-person voting
24 going to be safe in Harris County this election?

25 A. That is what we're working our hardest to try

1 and ensure.

2 Q. Okay. And would you agree we've mentioned a
3 few of these before that Harris County has accomplished
4 some maybe new ideas such as 24-hour voting, curbside
5 voting, drive-thru voting, try to make that even more
6 safe and more effective, is that the goal of all those
7 projects?

8 A. Absolutely.

9 Q. Okay. I'm going to pass the witness.

10 THE COURT: Okay. Mr. Hatzel, anything
11 else?

12 MR. HATZEL: Just one quick question, your
13 Honor.

14 (REDIRECT EXAMINATION BY MR. HATZEL)

15 Q. Mr. Hollins, when you're managing and
16 conducting early voting as Harris County's Early
17 Election Clerk, what are some of the things that you do
18 that are outside of the Election Code?

19 A. And when you mean outside of Election Code, do
20 you mean like not explicitly granted to me in the
21 Election Code?

22 Q. Correct.

23 A. I think there are a number of examples.
24 Drive-thru voting is a prime exact. There's no --
25 there's nothing that in anyway mentions drive-thru